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11 Attorneys for Plaintiff
12 COUPONS, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 COUPONS, INC.,

17 Plaintiff,

18 vs.

19 JOHN STOTTLEMIRE, and DOES 1-10,

20 Defendants.

Case No. 5:07-CV-03457 HRL

**NOTICE OF MOTION AND MOTION TO
DIRECT THE PARTIES TO RETURN TO
EARLY NEUTRAL EVALUATION
PURSUANT TO ADR L.R. 5-2, and CIVIL
L.R. 7.**

Date: January 27, 2009
Time: 10:00 a.m.
Courtroom: 2
Judge: Honorable Howard R. Lloyd

21 TO EACH PARTY AND EACH ATTORNEY OF RECORD IN THIS ACTION:

22 NOTICE IS HEREBY GIVEN that on January 27, 2009, at 10:00 a.m. or as soon
23 thereafter as counsel may be heard by the above-entitled Court, located at 280 South First Street,
24 San Jose, California, 95113, in the courtroom of the Honorable Howard R. Lloyd, Plaintiff will
25 and hereby does move this Court to direct the parties to return to Early Neutral Evaluation
26 pursuant to ADR Local Rule 5-2 and Civil Local Rule 7.

27 This motion is based on this Notice of Motion and Motion, the Memorandum of Points
28 and Authorities filed herewith, the declarations and accompanying exhibits of Neil Goteiner and

1 Dennis Cusack, the pleadings and papers on file herein, and upon such other matters as may be
2 presented to the Court at the time of the hearing.

3 Pursuant to Local Rule 7-1(b), Plaintiff Coupons, Inc. requests that this motion be
4 determined without oral argument.

5 Dated: December 5, 2008

FARELLA BRAUN & MARTEL LLP

7 By: /s/
Neil A. Goteiner

9 Attorneys for Plaintiff
COUPONS, INC.

1 **PROOF OF SERVICE**

2 I, the undersigned, declare that I am a resident of the State of California, employed in the
3 County of San Francisco, over the age of eighteen years and not a party to the within action. My
4 business address is: Farella Braun + Martel LLP, 235 Montgomery Street, 17th Floor, San
Francisco, California 94104.

5 On this date I served the within document(s):

6 **NOTICE OF MOTION AND MOTION TO DIRECT THE PARTIES TO RETURN TO**
7 **EARLY NEUTRAL EVALUATION PURSUANT TO ADR L.R. 5-2, and CIVIL L.R. 7.**

8 X **MAIL:** by placing a true copy thereof, addressed as set forth below and enclosed in a
9 sealed envelope with postage thereon fully prepaid and deposited for collection and mailing with
the U.S. Postal Service. I am readily familiar with the ordinary business practice of this office for
processing mail.

10 Harold J. McElhinny
11 Morrison & Foerster
12 425 Market Street
San Francisco, CA 94105

13 I declare that I am employed in the office of a member of the bar of this court at whose
14 direction the service was made.

15 I declare under penalty of perjury under the laws of the State of California that the above
16 is true and correct. Executed in San Francisco, California on **December 5, 2008.**

17
18 /s/
Lawrence L. Coles